

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-7522-2017(O&M)
Date of decision : 27.10.2022

Evershine Metalloys Private Limited and others

... Petitioners

Versus

SIPRI Metals & Steel (FZE) through its Owner/Manager

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Sharmila Sharma, Advocate
for the petitioners.

Mr.Rose Gupta, Advocate,
Mr. Tanvir S.Grewal, Advocate,
Ms. Vidisha Swarup, Advocate,
Ms.Garima Modi, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. for quashing of complaint no.16135 of 2016 dated 22.12.2016 titled as “Sipri Metal & Steel (FZE) through its owner / manager vs. EVERSINE Metalloys Pvt. Ltd. through its Directors and others” filed under Section 138 of the Negotiable Instruments Act, 1881 and summoning order dated 09.01.2017 passed by the Judicial Magistrate Ist Class, Gurugram.

Learned counsel for the petitioners, after arguing for some time, seeks to withdraw the present petition with liberty to take up all the points which have been raised in the present petition and are available with them, during the course of trial, in accordance with law. Learned counsel for the petitioners has submitted that petitioner no.4 is a lady and petitioner

no.3 is an old man of 68 years of age and thus, prayed that the personal appearance of petitioner no.3 and 4 be exempted.

In view of the statement made by learned counsel for the petitioners, the present petition is dismissed as withdrawn with the liberty aforesaid. The personal appearance of petitioner nos.3 and 4 before the trial Court is exempted, subject to the following conditions:-

- i) Petitioner nos.3 and 4 shall be represented through their counsel;
- ii) shall not delay/stall the trial proceedings;
- iii) shall not dispute their identity as accused;
- iv) shall have no objection if the evidence is recorded in their absence but in the presence of their counsel;
- v) shall appear before the trial Court as and when required by the trial Court;
- vi) any other condition which the trial Court may impose.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

October 27, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No